

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

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ZAVIUS AVERETTE, #217 905

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Plaintiff,

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v.

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2:06-CV-399-MHT

LT. WILLIE COPELAND, *et al.*,

\*

Defendants.

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**ORDER ON MOTION**

On April 23, 2007 the court erroneously accepted and filed a Motion for Default Judgment. (Doc. No 27.) This motion is not properly before the court as it was submitted without permission of the court. (*See* Doc. No. 6, pg. 2, ¶ 3 - “**No motion for summary judgment, motion to dismiss or any other dispositive motions . . . [may] be filed by any party without permission of the court.**”). The aforementioned order further directed that “[i]f any pleading denominated as a . . . dispositive motion is sent to the court [without the requisite permission having been granted], the court shall not file or otherwise treat the pleading as a dispositive motion until and unless further order of the court.” *Id.* Accordingly, it is

ORDERED that the Motion for Default Judgment filed by Plaintiff on April 23, 2007 (Doc. No. 27), be stricken from the file and returned to Plaintiff for non-compliance with

the order of June 5, 2006.

Done, this 25th day of April 2007.

/s/ Terry F. Moorer  
TERRY F. MOORER  
UNITED STATES MAGISTRATE JUDGE